

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant: Odom, *et al.* Docket No.: FEX001
Filed: March 29, 2001 Examiner: O'Connor, Gerald J
Serial No.: 09/821,441 Art Unit: 3627
For: Method and Apparatus for Electronic Commerce Services at a Point of Sale

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APPEAL BRIEF

Dear Sir:

This Appeal Brief is respectfully submitted in connection with the above-identified application in response to the Final Rejection mailed September 21, 2004. A Notice of Appeal was filed by facsimile on December 20, 2004.

REAL PARTY OF INTEREST

The present application is assigned to GSC Enterprises, Inc.

RELATED APPEALS AND INTERFERENCES

Appellant is not aware of any related appeals or interferences.

STATUS OF THE CLAIMS

Claims 7-13 stand finally rejected. No claims have been allowed. Claims 1-6 and 14-20 were canceled in view of a restriction requirement in the patent application. Claims 21-33 were presented during prosecution, but were withdrawn from consideration by Examiner as being directed to an unelected invention. The claims on appeal are reproduced in the attached Appendix.

STATUS OF AMENDMENTS

The claims have not been amended subsequent to final rejection, although Remarks filed as an Amendment under 37 CFR §1.116 were entered after final rejection.

SUMMARY OF THE INVENTION

The present invention relates to a data processing system for conducting financial transactions such as in-person bill payments (e.g., paying a utility bill) at a point of sale ("POS") (e.g., a convenience store). Application, *page 3, lines 26-27*. While POS terminals are known, conventional POS terminals are prone to error in the acquisition of transaction data. When an error is subsequently detected, the original bill must be retrieved and compared against the stored transaction data to determine the source of the error. Significant costs are incurred in storing the transaction documents for a long period of time and significant personnel time can be taken up in the retrieval process. *Page 2, line 19 through page 3, line 5*. Appellant's invention provides for a system that, e.g., (i) electronically stores an image of the bill (or other transaction documents, such as a check or the like) along with an image identifier, (ii) electronically stores transaction data relating to transaction along with a transaction identifier, and (iii) that links the image identifier to the transaction identifier. *Page 4, lines 16-28*. In this way, the stored image of the transaction documents can be readily and efficiently accessed for subsequent verification and validation of the

transaction data. *Page 5, lines 21-25.* The invention effectively eliminates the cost and effort involved in storing and retrieving large volumes of paper documents.

Figure 1 illustrates an exemplary system, which includes a point of sale (POS) terminal 2 located at a retail location, such as a convenience store, grocery store, and the like. POS terminal 2 communicates with a base computer system 4 by way of communication link 6. *Page 6, lines 15-24.* Base computer system 4 handles incoming transactions from POS terminal 2 and responds to those transactions with authorization information, verification information, acknowledgement codes, and the like. *Page 7, lines 26-31.* Base computer system 4 also communicates with an image server 16 over a communication link 20. *Page 8, lines 24- 30.* In other embodiments, POS terminal 2 may communicate directly with image server 16. *Page 21, lines 25-29.* Image server 16 includes an image database 18 that stores images of transaction documents that are processed at POS terminal 2. *Id.*

An exemplary POS terminal is illustrated in Figure 2 and includes various hardware components for handling a bill payment transaction, such as a bar code reader 54 (Figure 2), a magnetic card reader 63b, a Magnetic Ink Character Recognition (MICR) reader 54, a keypad 62, a scanner 48, and the like. *Page 9, lines 9-27.* Scanner 48 is used to create an electronic image of a document related to the financial transaction (such as a bill that is presented for payment or a check that is used for payment check) as it passes through the POS terminal, which image is stored in an image memory 50. *Id.; Page 8, lines 26-30.* A unique identifier is assigned to each image stored to the memory. *Page 12, lines 16-25.* The scanner also includes Optical Character Recognition circuitry 52, which, upon scanning the document, converts the image into electronic information about the pending transaction. *Page 11, lines 6-25.*

In operation, transaction information, regarding a pending financial transaction is obtained either via scanning the bill or by a store clerk manually inputting some or all transaction

data. *Page 12, line 26 through page 13, line 3.* A unique transaction identifier is associated with the particular transaction. *Page 13, lines 29-31.* Additionally, as discussed above, the image of the document that has been stored in image memory is given a unique identifier and the unique image identifier is linked to the unique transaction identifier. *Page 12, lines 16-25.* The images are then transmitted to an image server 16 for archival in image database 18. *Page 21, line 25 through page 22, line 5.* Various other features of the invention are not necessary for an understanding of the issues on appeal and hence are not presented herein.

ISSUES

(1) *Claim 7 requires transmitting an image to a “server.” U.S. Patent No. 5,473,143 to Vak (“Vak”) discloses a microprocessor. Is a microprocessor (as disclosed by Vak) a server (as required by Claim 7)?*

(2) *Claim 7 also requires “storing [an] electronic image in an image memory with an image identifier.” Even though Vak does not disclose an image identifier, is this element nonetheless “inherent” in Vak because the system of Vak “knows” where an image is stored?*

(3) *Claim 7 also requires that the image identifier be linked to a transaction identifier. Vak does not disclose an image identifier. Despite the fact that Vak does not expressly disclose an image identifier or a transaction identifier, is the claim element nonetheless “inherent” in Vak because the system of Vak “knows” to which transaction the image pertains?*

(4) *Claim 8 requires storing transmitted transaction information in a transaction database. Vak does not disclose a transaction database; rather, Examiner relies upon Vak’s disclosure a flow*

chart of a computer program, which includes a "log transaction for recovery function." Is a log transaction for recovery function a transaction database?

(5) Claim 8 also requires storing a transmitted electronic image and identifier in an image database. Vak discloses a microprocessor that includes memory. Is computer memory an image database?

(6) Claim 11 requires using optical character recognition (OCR) to generate transaction data by "comparing the electronic image to a pre-stored template". In light of Examiner's concession that Vak does not disclose this element, is claim 11 obvious over Vak in view of U.S. Patent No. 5,652,802 to Graves ("Graves"), when Graves does not teach or suggest optical character recognition?

GROUPING OF THE CLAIMS

Claims 7, 9, 10, 12, and 13 stand and fall together. Claim 8 stands or falls alone. Claim 11 stands or falls alone. The reason for the grouping will be apparent from the arguments below.

ARGUMENTS

It is respectfully submitted that claims 7-10 and 12-13 recite patentable subject matter under the provisions of 35 U.S.C. § 102 and further that claim 11 recites patentable subject matter under the provisions of 35 U.S.C. § 103.

1. The Rejection

The Examiner finally rejected claims 7-10 and 12-13 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,473,143 to Vak (hereinafter "Vak").

To save space, these rejections will not be repeated here. Relevant aspects of the rejections will be discussed in the Appellant's arguments.

2. Appellant's Arguments

Appellant respectfully submits that each of the presently pending claims is allowable over the references of record. Each of the issues indicated above will now be addressed.

(1) Claim 7 requires transmitting an image to a “server.” Vak discloses a microprocessor. Is a microprocessor (as disclosed by Vak) a server (as required by Claim 7)?

Claim 7 requires “transmitting to an image server a copy of [an] electronic image” along with an image identifier and a linked transaction identifier. One exemplary embodiment of this claim element is when an electronic image is transmitted from image memory 50 of POS terminal 2 (Figure 2) an image database 18 of an image server 16 (Figure 2) via a base computer system 4, and as described at *page 21, line 25 through page 22, line 5*.

Examiner has asserted¹, without further elaboration, that Vak discloses “transmitting to an image server 120 a copy of each electronic image.” Vak does not disclose an “image server,” however. Reference to Figure 2 of Vak illustrates that element 120 of Vak is a microprocessor, which is simply a component (comprising a CPU, a memory, an input, and an output, and arithmetic logic unit of a point of sale (POS) terminal 22. Examiner has nowhere identified, and Appellant is unaware of, any teaching or even suggestion in Vak as to how the microprocessor 120 of the POS terminal 22 acts as a server.

“Server” and “microprocessor” are well known terms in the relevant field and have commonly accepted meanings. A server is generally recognized as a computer that makes services,

¹ See Final Office Action dated September 21, 2004, pg. 3.

such as access to data files, programs, and peripheral devices, available to workstations on a network. *Random House Webster's College Dictionary*, Random House (2000 ed.) (copy attached as Exhibit A). By contrast, a microprocessor generally describes an integrated computer circuit that performs all the functions of a CPU [Central Processing Unit]. *Id.* In short, while a server, such as the image server of Claim 7, will typically include one or more microprocessors, a microprocessor is not a server.

Examiner's assertion that Vak discloses an image server simply because the reference discloses a microprocessor is akin to arguing that a reference discloses a fire truck simply because the reference discloses an engine. While it is true a fire truck includes an engine, nothing in the disclosure of an engine alone would teach or suggest all the features of a fire engine. Likewise, nothing in Vak's disclosure of a microprocessor teaches all the features of a server, as that term is commonly understood. In short, Vak discloses a microprocessor 120; it does not disclose an image server.

As Vak's Figure 2 illustrates, the microprocessor 120 of Vak is a component of a Point of Sale terminal 22. Examiner has made no assertion that the POS terminal 22 is a server (and indeed nothing in Vak would support such an interpretation). Returning to the previous analogy, Examiner's assertion is more akin to arguing when a reference teaches using an engine in a moving van (i.e. using a microprocessor in a POS terminal) then that referenced discloses a fire truck (i.e. an image server which happens to also include a microprocessor). Such reasoning is flawed.

Even assuming, solely for the sake of argument, that POS terminal 12 of Vak (which includes microprocessor 120) is a "server," nowhere does Vak teach or suggest the method step of "transmitting to" the POS terminal a "copy of each electronic image and the image identifier and linked transaction identifier" required by claim 7. The electronic images of Vak are generated

within POS terminal 12 (in camera 184) and hence are not “transmitted to” the terminal. See Figure 2 of Vak and *Column 10, line 66 through Column 11, line 4*.

For at least these reasons, Examiner’s assertion that Vak discloses “transmitting to an image server a copy of each electronic image and the image identifier and linked transaction identifier” is incorrect.

(2) *Claim 7 also requires “storing [an] electronic image in an image memory with an image identifier.” Even though Vak does not disclose an image identifier, is this element nonetheless “inherent” in Vak because the system of Vak “knows” where an image is stored?*

Claim 7 requires storing each electronic image to memory with “an image identifier.” Examiner has apparently conceded that Vak does not expressly disclose this element because Examiner had asserted that this element is “inherent, as the system [of Vak] ‘knows’ where the image is stored.”² Examiner’s assertion requires a leap of faith that knowing the location of an item in memory is the same as associating an identifier with that item. This is not correct, however, as a careful reading of Vak reveals. The element of Vak that Examiner has asserted is an image memory is in fact an “input buffer” 174 for the camera 184. See Vak, *Figure 3; Column 10, line 58 through Column 11, line 4*. Examiner has provided no rationale as to why an image stored in an input buffer – which is a known physical location – would require an image identifier in order for the system to “know” where the image is.³ Appellant respectfully submits that the reason Vak provides no teaching of storing an image identifier along with the image is because no such image

² See Final Office Action dated September 21, 2004, pg. 3.

³ Appellant recognizes that an input buffer may have a “logical address” associated with it, as well as a physical location. Even assuming this to be the case, the logical address of a physical location is fundamentally different than, e.g., a file name or other identifier of the image stored at that physical location.

identifier is needed when the image is placed in a known physical location, i.e., the input buffer 174.

(3) Claim 7 also requires that the electronic image be stored in an image memory along with an image identifier linked to a transaction identifier. Despite the fact that Vak does not disclose an image identifier, is the claim element nonetheless “inherent” in Vak because the system of Vak “knows” to which transaction the image pertains?

Claim 7 requires storing each electronic image in memory “with an image identifier and linking the image identifier to a transaction identifier.” Examiner has asserted that this element is inherent in Vak, as the system “knows . . . to which transaction the image pertains.”⁴ As expressed in the preceding section, however, Vak does not teach or suggest storing an image identifier. As such, Vak can hardly teach linking a (non-existent) image identifier with a transaction identifier.

Appellant traverses Examiner’s rejection for another reason. Examiner wrongly assumes that the system of Vak must inherently “know” to which transaction the image pertains. Why is this so? As Vak clearly teaches, the scanned image of Vak “will be placed in the input buffer 174 and further analysis and processing will occur according to normal OCR processing capabilities of the terminal.” Vak, *Column 10, line 66 through Column 11, line 4*. In other words, Vak uses the electronic image for OCR processing. There is no teaching or even a remote suggestion in Vak that the electronic image will be stored for subsequent retrieval or use. As such, there is no reason for the system of VAK to “know” to what transaction the image relates. Appellant respectfully submits that Examiner has viewed Vak through the looking glass of Appellant’s own disclosure in order to find teachings that are not contained in that reference. It is improper, however, to impose the teaching of Appellant’s own disclosure to read into the prior art elements that simply are not there.

⁴ See Final Office Action dated September 21, 2004, pg. 3

(4) Claim 8 requires storing transmitted transaction information in a transaction database. Vak does not disclose a transaction database; rather, Examiner relies upon Vak's disclosure a flow chart of a computer program, which includes a "log transaction for recovery function." Is a log transaction for recovery function a transaction database?

Claim 8, which depends from claim 7, recites "storing the transmitted transaction data in a transaction database." Examiner has asserted that this claim limitation is met in element 232 of Vak.⁵ A close reading of Vak, however, reveals that element 232, far from being a transaction database, is merely an element of "a flow chart of the computer program." Vak, *Figure 3; Column 13, lines 44-60*. Although element 232 is described as a "log transaction for recovery function," it is clearly not in any way a database, but rather "a standard function executed by institution processor 18 or 36." While the function being illustrated by block 232 has the phrase "transaction" associated with it, nowhere does the reference teach or remotely suggest that the function is a "database."

While Appellant recognizes that a "database" in addition to memory storage is instantiated as routines and instructions performed by a microprocessor, nothing in Vak teaches or suggests that the "computer program" running on Vak's microprocessor is a database program. Again, Examiner has impermissibly relied upon Appellant's own disclosure to assume such a feature is in the prior art.

⁵ See Final Office Action dated September 21, 2004, pg. 3.

(5) Claim 8 also requires storing a transmitted electronic image and identifier in an image database. Vak discloses a microprocessor that includes memory. Is computer memory an image database?

Claim 8 also recites storing the transmitted electronic image in an image database. Vak does not disclose an image database. Rather, Examiner identifies memory 126 of Figure 2 as disclosing this element.⁶ With regard to this element, Vak states nothing more than, “The CPU 124 of the microprocessor 120 also fetches data from and stores data into a memory 126.” Vak, *Column 9, lines 47-52*. The reference does not teach or suggest configuring the memory as a database and the reference does not teach or suggest storing images in the memory. Appellant respectfully submits that nothing in Vak supports Examiner’s assertion that memory 126 is an image database.

(6) Claim 11 requires using optical character recognition (OCR) to generate transaction data by “comparing the electronic image to a pre-stored template”. In light of Examiner’s concession that Vak does not disclose this element, is claim 11 obvious over Vak in view of Graves, when Graves does not teach or suggest optical character recognition?

Claim 11 requires generating transaction information through optical character recognition (“OCR”) by “comparing the electronic image to a pre-stored template containing an expected electronic image.” The pre-stored template informs the OCR system where transaction data is to be found in the scanned image and what type of data is to be found there. Application, *Page 11, lines 5-30*. Using the pre-stored template, the OCR system converts the information from the scanned image into transaction information, which can be stored, analyzed, and manipulated electronically.

⁶ See Final Office Action dated September 21, 2004, pg. 3.

Id. Examiner concedes that Vak fails to disclose this feature.⁷ Examiner asserts, however, that U.S. Patent No. 5,652,802 to Graves et al. (“Graves”) overcomes this deficiency in the primary reference. Appellant traverses Examiner’s position because Graves nowhere discloses optical character recognition. At best, Graves teaches a system wherein a scanned pattern is compared to a pre-stored master pattern. While Graves does provide the use of a pre-stored pattern, it nowhere teaches or suggests that transaction data could be generated by comparing a scanned document to the pattern. This is because Graves is not concerned with, and does not teach, optical character recognition. In fact, there is no motivation to modify Graves to provide for OCR, because Graves is merely concerned with determining whether a scanned document is or is not legal tender. *See Graves’ Abstract*. In other words, Graves is not concerned with the data contained in the scanned image. Rather, Graves is concerned with simply ensuring that the scanned image matches the pre-stored pattern. It is only with the benefit of improper hindsight that one would be motivated to modify Graves to provide for generating transaction data using OCR by comparing a scanned document to a template.

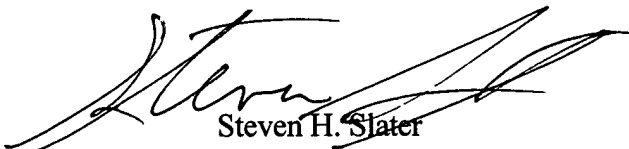
⁷ See Final Office Action dated September 21, 2004, pg. 4.

CONCLUSION

For the foregoing reasons, Appellant respectfully submits that the Examiner's final rejection of claims 7-10, and 12-13 under 35 U.S.C. § 102 and final rejection of claim 11 under 35 U.S.C. § 103 is improper and respectfully requests that the Board of Patent Appeals and Interference so find and reverse the Examiner's rejections.

To the extent necessary, Appellant petitions for an Extension of Time under 37 C.F.R. § 1.136. Please charge any fees, or credit any overpayments, in connection with the filing of this paper, including extension of time fees, to the Deposit Account No. 50-1065.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Steven H. Slater', is written over the printed name.

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APPENDIX

ALL PENDING CLAIMS

7. A method for processing an in-person bill payment at a point of sale location, comprising:
- identifying a biller for whom payment of a payment transaction is to be received;
 - obtaining transaction information concerning the payment;
 - receiving payment for the bill;
 - assigning a transaction identifier to the transaction;
 - scanning at least one transaction document and generating at least one electronic image therefrom;
 - storing each electronic image in an image memory with an image identifier and linking the image identifier to a transaction identifier;
 - transmitting the transaction information to a payment server;
 - receiving from the payment server instructions regarding the transaction; and
 - transmitting to an image server a copy of each electronic image and the image identifier and linked transaction identifier.
8. The method of claim 7 further comprising:
- storing the transmitted transaction information in a transaction database;
 - storing the transmitted electronic image and identifiers in an image database; and
 - forwarding selected transaction information to the biller and forwarding at least a portion of the received payment to the biller.

9. The method of claim 7 further comprising:

detecting magnetically stored information located on the at least one transaction document

and converting the magnetically stored information into electronic transaction information.
10. The method of claim 7 further comprising generating transaction information from said

electronic image through optical character recognition.
11. The method of claim 10 wherein the transaction information is generated by comparing the

electronic image to a pre-stored template containing an expected electronic image.
12. The method of claim 7 further comprising receiving from the payment server additional

system update instructions.
13. The method of claim 12 wherein said system update instructions comprise a list of billers

for whom in-person bill payment is authorized.



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son employed by the government: a *public servant*. [1175-1225; ME < OF, n. use of prp. of *servir* to SERVE; see -ANT] —*serv'ant-hood*, *n.*
serve (sûrv), *v.*, *served*, *serv-ing*, *n.* —*v.t.* 1. to act as a servant. 2. to wait on table, as a waiter. 3. to have a meal or refreshments available, as for patrons or guests. 4. to distribute a food or beverage, as a host or hostess. 5. to render assistance; help. 6. to go through a term of service as a soldier, senator, juror, etc. 7. to have definite use: *This cup will serve as a sugar bowl*. 8. to answer the purpose: *That will serve to explain my actions*. 9. (in tennis, badminton, handball, etc.) to put the ball or shuttlecock in play with a stroke, swing, or hit. 10. to act as a server at mass. —*v.t.* 11. to be in the service of; work for. 12. to be useful or of service to; help. 13. to go through (a term of service, imprisonment, etc.). 14. to render active service, homage, or obedience to (God, a sovereign, commander, etc.). 15. to perform the duties of (a position, an office, etc.). 16. to answer the requirements of: *This will serve our needs for now*. 17. to contribute to; promote: *to serve a cause*. 18. to wait upon at table. 19. to carry and distribute (food or drink) to a patron or a specific place, as a waiter or waitress. 20. to act as a host or hostess in offering (a person) food or drink. 21. to act as a host or hostess in offering or distributing (food or drink) to another. 22. to provide with a regular or continuous supply of something. 23. (in tennis, badminton, handball, etc.) to put (the ball or shuttlecock) in play. 24. to treat in a specified manner: *That served him ill*. 25. *Law*. a. to make legal delivery of (a process or writ). b. to present (a person) with a writ. 26. to gratify (wants, needs, etc.). 27. (of a male animal) to mate with; service. 28. *Naut.* to wrap (a rope) tightly with light cordage, keeping the turns as close together as possible. —*n.* 29. the act, manner, or right of serving, as in tennis. —*Idiom*. 30. *serve one right*, to constitute someone's fair and just punishment, as for improper or stupid behavior. [1125-75; ME < OF *servir* < L *servire*, der. of *servus* slave (cf. *serv*)]

serv'er (sûr'var), *n.* 1. a person who serves. 2. a person who waits on tables; waiter or waitress. 3. something that serves or is used in serving, as a salver. 4. a utensil, as a broad fork, for dishing out individual portions of vegetables, cake, pie, etc. 5. an attendant on the priest at mass. 6. (in tennis, badminton, handball, etc.) the player who puts the ball or shuttlecock in play. 7. a computer that makes services, as access to data files, programs, and peripheral devices, available to workstations on a network. [1350-1400]

Serv'etus (sar v'e'tas), *n.* Michael (Miguel Serveto), 1511-53, Spanish theologian, accused of heresy and burned at the stake.

serv'ice¹ (sûr'vis), *n.*, *adj.*, *v.*, -*iced*, -*ic-ing*. —*n.* 1. an act of helpful activity; help; aid. 2. the supplying or supplier of utilities, commodities, or other facilities that meet a public need, as water, electricity, communication, or transportation. 3. the providing or a provider of accommodation and activities required by the public, as maintenance or repair: *guaranteed service and parts*. 4. the organized system of apparatus, appliances, employees, etc., for supplying some accommodation required by the public: *a television repair service*. 5. the performance of duties or the duties performed as or by a waiter or servant. 6. employment in any duties or work for a person, organization, government, etc. 7. a department of public employment, or the body of public servants in it: *the diplomatic service*. 8. the duty or work of public servants. 9. a. the armed forces: *in the service*. b. a branch of the armed forces. 10. the actions required in loading and firing a cannon. 11. Often, *services*, the performance of any duties or work for another: *medical services*. 12. something made or done by a commercial organization for the public benefit and without regard to direct profit. 13. Also called *divine service*, public religious worship according to prescribed form and order. 14. a ritual or form prescribed for public worship or for some particular occasion: *the marriage service*. 15. the serving of God by obedience, piety, etc. 16. a musical setting of the sung portions of a liturgy. 17. a set of dishes, utensils, etc., for general table use or for particular use. 18. *ANSWERING SERVICE*. 19. *Law*, the serving of a process or writ upon a person. 20. (in tennis, badminton, handball, etc.) a. the act or manner of putting the ball or shuttlecock into play; serve. b. the ball or shuttlecock as put into play. 21. the mating of a female animal with the male. —*adj.* 22. of service; useful. 23. of, pertaining to, or used by servants, delivery people, etc., or in serving food. 24. supplying services rather than products or goods: *the service professions*. 25. supplying maintenance and repair: *a service center for electrical appliances*. 26. of, for, or pertaining to the armed forces or one of them. 27. providing, authorizing, or guaranteeing service: *a service contract*. —*v.t.* 28. to make fit for use; repair or restore: *to service an automobile*. 29. to supply with aid, information, or other incidental services. 30. (of a male animal) to mate with (a female animal). 31. to pay off (a debt) over a period of time, as by meeting periodic interest payments. [bef. 1100; late OE *serfise* ceremony < OF *servise*, *service* < L *servitium* servitude, der. of *serv(us)* slave]

serv'ice² (sûr'vis), *n.* 1. a service tree, esp. *Sorbus domestica*. [1520-30; earlier *serv'es*, pl. of obs. *serve* service tree, ME; OE *syrf* < VL **sor-bea*, der. of L *sorbus* sorb]

Serv'ice (sûr'vis), *n.* Robert W(illiam), 1874-1958, Canadian writer.
serv'ice-a-ble (sûr'va sa bal), *adj.* 1. being of service or help; useful. 2. wearing well; durable: *serviceable cloth*. 3. adequate; sufficient. [1300-50; ME *servisable* < MF; see SERVICE¹, -ABLE] —*serv'ice-a-bil-ity*, *serv'ice-a-ble-ness*, *n.* —*serv'ice-a-bly*, *adv.*

serv'ice ace, *n.* ACE (def. 2).

serv'ice book, *n.* a book containing the forms of worship used in divine services. [1575-80]

serv'ice break, *n.* a game won against an opponent's service, as in tennis. [1950-55]

serv'ice cap, *n.* a uniform cap with a visor.

serv'ice charge, *n.* a fee charged for a service, sometimes in addition to a basic charge. Also called *serv'ice fee*. [1915-20]

serv'ice club, *n.* 1. an organization, esp. of businesspersons or professionals, dedicated to the general welfare of its members and the community. 2. a recreational center for members of the armed forces.

serv'ice court, *n.* the part of the court into which a player must serve in various games, as tennis, handball, or squash. [1875-80]

serv'ice line, *n.* the boundary of a service court. [1870-75]

serv'ice-man (sûr'vis man', -man), *n.*, *pl.* -men (-men', -man). 1. a member of the armed forces of a country. 2. a person whose occupation is to maintain equipment. [1920-25] —*Usage*. See -MAN.

serv'ice mark, *n.* a proprietary term, similar to a trademark, that distinguishes the seller or provider of a service. *Abbr.*: SM [1945-50]

serv'ice medal, *n.* a medal awarded for performance of specified service, usu. in time of war or national emergency. [1930-35]

serv'ice road, *n.* a local road that runs parallel to an expressway, providing access to roadside businesses and residences. [1935-40]

serv'ice station, *n.* 1. Also called *gas station*, a place equipped for servicing automobiles, as by selling gasoline or making repairs. 2. a place that provides a service. [1915-20]

serv'ice stripe, *n.* a stripe on the sleeve of a military uniform indicating the wearer's length of active service. [1915-20]

serv'ice tree, *n.* either of two European mountain ashes, *Sorbus domestica* or *S. torminalis*, of the rose family, both bearing a small acid fruit that is edible when overripe. [1535-45]

serv'ice-woman (sûr'vis woom'an), *n.*, *pl.* -women. a woman who is a member of the armed forces. [1940-45] —*Usage*. See -WOMAN.

serv'iette (sûr'vet'e), *n.* Chiefly Brit. a table napkin. [1480-90; < MF, = *servi(r)* to SERVE + *-ette* -ETTE]

serv'ile (sûr'vil, -vil), *adj.* 1. slavishly submissive or obsequious; fawning: *servile flatterers*. 2. characteristic of, proper to, or customary for slaves; abject: *servile obedience*. 3. of, pertaining to, or involving slaves, slavery, servants, or servitude. [1350-1400; ME < L *servilis* = *serv(us)* slave + *-ilis* -ILE] —*serv'ile-ly*, *adv.* —*serv'ile-ty*, *serv'ile-ness*, *n.* —*Syn.* *SERVILE*, *OBSEQUIOUS*, *SLAVISH*. describe the submissive or compliant behavior of a slave or an inferior. *SERVILE* suggests cringing, fawning, and abject submission: *servile responses to questions*. *OBSEQUIOUS* implies the ostentatious subordination of oneself to the wishes of another, either from fear or from hope of gain: *an obsequious waiter*. *SLAVISH* stresses the dependence and laborious toil of one who follows or obeys without question: *slavish attentiveness to orders*.

serv'ing (sûr'ving), *n.* 1. the act of a person or thing that serves. 2. a single portion of food or drink; helping. —*adj.* 3. for use in distributing food to or at the table: *a serving tray*. [1175-1225]

serv'itor (sûr'vi tar), *n.* a servant or attendant. [1300-50; ME *servitor* < AF < LL *servitor* = L *servi(re)* to SERVE + *-tor* -TOR]

serv'itude (sûr'vi töd', -työöd'), *n.* 1. slavery or bondage of any kind. 2. compulsory service or labor as a punishment for criminal or penal servitude. 3. *Law*. a right held by one person to use another's property. [1425-75; late ME < LL *servitudo*] —*Syn.* See SLAVERY.

Servo (sûr'vö), *adj.*, *n.*, *pl.* -vos. —*adj.* 1. acting as part of a servomechanism: a *servo amplifier*. 2. pertaining to or concerned with servomechanisms: a *servo engineer*. 3. noting the action of certain mechanisms, as brakes, that are set in operation by other mechanisms but which themselves augment the force of that action by the way in which they operate. —*n.* 4. *SERVOMECHANISM*. 5. *SERVOMOTOR*. [1945-50; independent use of *Servo*]

Servo, a combining form used in the names of devices or operations that employ a servomechanism: *servocontrol*. [extracted from *SERVOMOTOR*]

servo-mech-an-ism (sûr'vö mek'a niz'am, sûr'vö mek'), *n.* an electronic control system in which a hydraulic, or other type of controlling mechanism is actuated and controlled by a low-energy signal. [1940-45] —*serv'vo-me-chan-i-cal* (-mä kan'i käl), *adj.*

serv'vo-mo-tor (sûr'vö mö'tär), *n.* a motor or the like forming part of a servomechanism. [1885-90; < F *servo-moteur* < L *serv(us)* slave + F *-o* -o, < *moteur* MOTOR]

SES, socioeconomic status.

ses-a-me (ses'a më), *n.* 1. a tropical plant, *Sesamum indicum*, whose small oval seeds are edible and yield an oil. 2. the seeds themselves, used to add flavor to bread, crackers, etc. 3. *OPEN SESAME*. [1595-1605; < Gk *sêsâmê* sesame plant < Akkadian *samaššammû*]

ses-ame oil, *n.* a yellow oil expressed from the seeds of the sesame, used in cooking, as a vehicle for medicines, and in the manufacture of margarine, soap, and cosmetics. [1865-70]

ses-a-mold (ses'a möld'), *adj.* shaped like a sesame seed, as certain small nodular bones and cartilages. [1690-1700; < L *sêsamoidēs*, Gk *sêsamoidēs* like sesame seed. See SESAME, -OID]

Ses-o-tho (sə sō'thō, -sō'tō), *n.* any of the languages spoken by the Sotho, esp. the language of the southern group of Sotho, living mainly in Lesotho and adjacent parts of South Africa.

sesqui-, a combining form meaning "one and a half": *sesquicentennial* [*<* L *sēsqui* = *sēm(i)sque* = *sēmis* half-unit, a copper coin worth half an as (as *appar. sēm(i)s* = *semi* + *as* as) + *-que* and]

ses-qui-car-bon-ate (ses'kwi kār'ba nāt', -nit), *n.* a salt intermediate in composition between a carbonate and a bicarbonate or consisting of the two combined. [1815-25]

ses-qui-cen-ti-ni-al (ses'kwi sen ten'ē əl), *adj.* 1. pertaining to

marking the completion of 150 years. its celebration. [1875-80, Amer.] —*ses-*

ses-qui-pe-da-li-an (ses'kwi pi dā'lē using long words. 2. (of a word) cont 15; < L *sēsquipedāl(i)s* measuring a foot

ses-sile (ses'il, -il), *adj.* 1. Bot. attached distinct projecting support, as a leaf to stem. 2. Zool. permanently attached; no L *sessilis* low enough to sit on, dwarfish

ses-sion (sesh'ən), *n.* 1. the sitting together, or the like, for conference or the gress is now in session. 2. a single co meetings of persons so assembled. 3. th ings. 4. sessions, (in English law) the si court, usu. to deal with minor offenses tion of the day or year into which instru college, or the like. 6. a period of time sons meet to pursue a particular activity ME < ML *sessiō*, L: sitting] —*ses'sion-*

Ses-sions (sesh'ənz), *n.* Roger Hunt's poser.

ses-terce (ses'türs), *n.* a silver coin of denarius, equal to 2½ asses. [1590-1600 unit (see *sestertius*) < *tertius* THIRDO]

ses-ter-ti-um (se stür'shē əm, -shəm) money of account of ancient Rome, eq 40; < L *sēstertium*, gen. pl. of *sēstertius*

ses-tet (se stet', ses'tet), *n.* a group c last six lines of a Petrarchan sonnet. [1

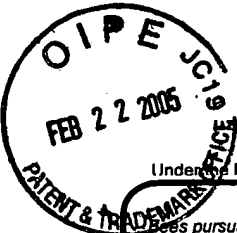
ses-ti-na (se stē'na), *n.*, *pl.* -nas, -ne stanzas and a three-line envoy, in whic words of the lines of the first stanza, b using the six words again, three in the at the end. Also called *sextain*. [1580-9

Ses-tos (ses'tos), *n.* an ancient Thraci: posite Abydos: Xerxes crossed the Helle invasion of Greece.

set (set), *v.*, *set*, *set-ting*, *n.*, *adj.* —*v.t.* one) in a particular place, position; or ble; *Set the baby on her feet*. 2. to put o dition: *to set a house on fire*; *to set a pr to set fire to a house*. 4. to fix definitel

set a time limit; *to set a wedding date upon something*. 6. to fix the value of point: *She sets honesty above everything* point for some duty or task: *to set gua plant firmly*; *to set a flagpole in concre lutely or wishfully: to set one's mind to new bike*. 10. to establish for others to l a good example. 11. to prescribe or assi or arrange china, silver, etc., for use c hair) by using rollers, clips, lotions, o waves, fullness, etc. 14. to put in the p dition for use: *to set a trap*. 15. to adjus trol its performance. 16. to adjust the t the desired position or according to a (a timer, alarm, etc.) so as to sound v given point or calibration: *to set the d mount (a gem or the like) in a frame t stud with gems or the like*. 21. to cause

highchair. 22. to put (a hen) on eggs (eggs) under a hen or in an incubator take a particular direction: *to set one's into a fixed, rigid, or settled state, as t (a broken or dislocated bone) back in mortar, or the like) to become fixed or by stamping: The king set his seal to th fol. by up): to set nuts well up*. 30. (of position of (game) by standing stiffly a 31. to urge, goad, or encourage to attac passer. 32. to put aside (dough with ye a. to fit, as words to music. b. to arran to arrange (music) for certain voices or the scenery, properties, lights, etc., on (to give decisive form to (an action, scen formance. 35. to spread and secure (a 36. a. to arrange (type) in the order r range (a text) in type for printing. 37. b or their contract) to fall short. 38. to s set. 39. to bend the teeth of (a saw) o —*v.i.* 40. to pass below the horizon; si ter. 41. to decline; wane. 42. to assum countenance or the muscles. 43. (of m become firm, solid, or permanent. 44. t a hen. 45. (of the hair) to assume a p having been temporarily rolled up, pi flower's ovary) to develop into a fruit. cate the position of game. 48. to have a wind or current. 49. (of a sail) to be s 50. *Nonstandard*. to sit. 52. *set aside*, a t to dismiss from the mind; reject. c. to p



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 500.00

Complete if Known

Application Number	09/821,441
Filing Date	March 29, 2001
First Named Inventor	Odom, et al.
Examiner Name	O'Connor, Gerald J.
Art Unit	3627
Attorney Docket No.	FEX001

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 50-1065 Deposit Account Name: Slater & Matsil, L.L.P.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims - 20 or HP = _____ x _____ = _____ Fee Paid (\$)

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims - 3 or HP = _____ x _____ = _____ Fee Paid (\$)

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets - 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____ Fee Paid (\$)

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount) Fees Paid (\$)

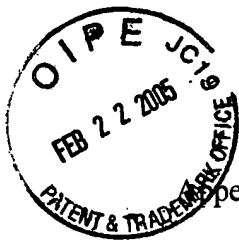
Other (e.g., late filing surcharge): 500.00 - Appeal Brief 500.00

SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 35,361	Telephone 972-732-1001
Name (Print/Type)	Steven H. Slater		Date 22 FEB 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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02-23-05

AF 12W

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant: Odom, *et al.* Docket No.: FEX001
Filed: March 29, 2001 Examiner: O'Connor, Gerald J
Serial No.: 09/821,441 Art Unit: 3627
For: Method and Apparatus for Electronic Commerce Services at a Point of Sale

Certificate of Mailing via Express Mail

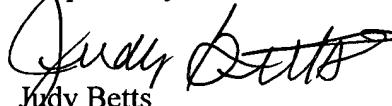
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Date of Deposit: February 22, 2005

I hereby certify that the following documents, which are enclosed, are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above in an envelope addressed to Mail Stop: Appeal Brief-Patents: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450:

Certificate of Mailing via Express Mail (1 page)
Fee Transmittal (1 original and 1 copy = 2 pages)
Appeal Brief (in triplicate - 13 pages each = 39 pages), including:
Appendix (in triplicate - 2 pages each = 6 pages); and
Exhibit (in triplicate - 4 pages each = 12 pages)
Return Postcard

Respectfully submitted,


Judy Betts
Legal Assistant

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